and such fine, if not paid, may be recovered by sale of such vessel, her furniture, ammunition, tackle and apparel.

Expenditure of fees and fines realised.

13. The sums realized from fees for pilotage and from fines for non-payment thereof shall be applied, under the orders of the Commissioner in Sindh, towards the maintenance of an establishment of pilots and pilot-boats, the erection and maintenance of beacons, and generally as may best conduce to the safe passage of vessels through the mouths and tidal channels of the river Indus.

Account to be kept of moneys received and expended.

14. An account shall be kept under the orders of the Commissioner in Sindh of all sums of money received and expended under the provisions of this Act; and a statement of the same shall be published every year in the Government Gazette.

Commissioner in Sindh to appoint and suspend persons and to make necessary rules.

15. It shall be lawful for the Commissioner in Sindh, with the sanction of the Governor in Council, from time to time, to appoint such person or persons, and to suspend and remove the same, and to make such rules [1] as may be necessary for carrying out the provisions of this Act: Provided that all such rules shall be notified in the Government Gazette.

16. [*Indemnity.*] *Rep. Act XII of 1873.*

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18. [*Interpretation.*] *Rep. Bom. Act III of 1886.*

19. [*Commencement.*] *Rep. Act XII of 1873.*

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[1] *See* Bombay Local Rules and Orders, Vol. II, Ed. 1898, p. XXXVII.

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BOMBAY ACT No. II OF 1863.[1]

[*9th April, 1863.*]

An Act to facilitate the adjustment of unsettled claims to exemption from the payment of Government land-revenue, and to regulate the succession to, and transfer of, lands wholly or partially exempt from the payment of such revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI of 1852[2] of the Legislative Council of India.

Preamble.

WHEREAS it has been deemed expedient to provide for the final adjustment, summarily, of unsettled claims to exemption from the payment of land-revenue, and to fix the conditions which shall secure, in certain cases, the recognition of titles to such exemption with respect to succession and transfer in those districts of the Bombay Presidency to which the operation of Act XI of 1852 [2] of the Legislative Council of India extends; It is hereby enacted as follows :—

Power to authorise and guarantee continuance in perpetuity of land to revenue-free holders on terms and conditions agreed to.

1. *Clause 1st.*—When the holders of lands in any of the said districts (except as is excepted in clause second of this section), held either wholly or partially exempt from the payment of Government land-revenue, whose title to exemption has not yet been formally adjudicated, shall have consented to submit to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the Governor in Council to finally authorize and guarantee the continuance, in perpetuity, of the said land to the said holders, their heirs and assigns, upon the said terms and subject to the said conditions.

Exceptions.

Clause 2nd.—The excepted cases to which the authority of adjustment and guarantee, vested in the Governor in Council by this provision, shall not extend, are the cases of lands held as follows :—

1st, lands held under treaty:

2nd, lands granted or held as jágírs or saranjáms, or on similar political tenure:

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1862, Supplement, p. 360; for Report of the Select Committee, *see ibid*, p. 719, and for Proceedings in Council, *see ibid*, p. 444, *ibid*, 1863, pp. 66, 182 and 201.

As to the application of this Act, *see* the Bombay Land-revenue Code, 1879 (Bom. Act 5 of 1879), s. 127, *infra*, p. 631.

[2] Titles to rent-free lands, Vol. I of this Code, p. 53.

3rd, lands held for service:

4th, lands already formally adjudicated to be not continuable hereditary.

Such lands (subject to enactments in section 3) to be heritable and transferable property of holders and continued in perpetuity, subject to payment to Government of nazrána and quit-rent.

2. When the Governor in Council shall have finally authorized and guaranteed the continuance, in perpetuity, to the holders, their heirs and assigns, of lands wholly or partially exempt from the ordinary payment of annual land-revenue, whose title to exemption has not already been formally adjudicated and who have dispensed with an inquiry into such title, the said lands shall (subject to the enactments contained in section 3 * * *[1] be the heritable and transferable property of the said holders, their heirs and assigns, without restriction, as to adoption, collateral succession or transfer; and such lands shall thenceforth be continued, in perpetuity, subject to an annual payment to Government. Such payment shall consist of—

1st, a fixed annual payment as nazrána, in commutation of all claims of Government in respect of succession and transfer, and shall be calculated at the rate of one anna for each rupee of assessment;

2nd, of a quit-rent equal to one-fourth of the assessment.

Rules for ascertaining amount of assessment.

The said assessment shall be ascertainable under the following rules:—

Rule 1.—The assessment of lands other than those specified in Rule 2 shall, with respect to lands which have already been assessed by the revenue-survey, now in progress, be the assessment already imposed upon those lands by that revenue-survey, and with respect to lands which have not yet been assessed by that revenue-survey shall be such assessment as shall be agreed on by the Collector or settling officer and the owner or holder of the lands which shall be final;

and, in failure of their agreement, it shall be the existing rental of the lands until the revenue-survey now in progress shall have placed a new assessment thereon, after which the assessment so placed by the said revenue-survey shall be understood to be the assessment.

And it shall be lawful for the duly authorized officers of Government employed in the said revenue-survey to enter upon all lands not heretofore assessed by such revenue-survey for the purpose of fixing and making an assessment thereof, provided no arrangement can be otherwise arrived at by the Collector and the owner or holder, as above provided, to ascertain the fair rental of the lands.

Rule 2.—The assessment of lands of such an exceptional character as not

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

to be assessable under the revenue-survey rules shall be in the discretion of the revenue-officers of Government, which discretion shall be guided, so far as may be, by the rate at which similar land in the same district belonging to Government is let, due regard being had by the said revenue-officers to all equitable considerations affecting such lands.

Shares of the revenues of villages (such as amals) shall be assessed for the purposes of this Act at the value thereof, calculated at the average shown by such accounts of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these rules.

Rule 3.—Lands for which a júdí, sálámí or other quit-rent or land-tax under whatever denomination, is already paid to Government, instead of being liable to only one-fourth of the assessment, shall in addition to the annual amount of such júdí, sálámí, quit-rent or other tax aforesaid, be liable to a further annual quit-rent, equal to one-fourth of the sum by which the annual or average annual amount of such júdí, sálámí or other quit-rent or tax aforesaid may fall short of the assessment.

Rule 4.—Quit-rent and annual nazrána imposed under this section (section 2) and the rules thereunto annexed shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assessment, save so far as is above in rule 1 of this section (section 2) provided to the contrary, in the case of lands which have not been already assessed by the revenue-survey now in progress.

Rule 5.—The whole of the exempt lands found in the possession of each holder shall be continued according to the provisions of this section (section 2) and the rules thereunto annexed, and subject to the enactments contained in section 3.

Adjustment, so far as right of Government to levy nazrána and quit-rent, binding on holder and rightful owner and assigns.

3. Any adjustment made by the Governor in Council with the holder of land held wholly or partially exempt from the payment of land-revenue, in accordance with section 2 * * * [1] and the rules annexed to the said section, shall, so far as the right of Government to levy the nazrána and the annual quit-rent mentioned in the said section is concerned, not only be binding upon such holder, his heirs and assigns, but also on the rightful owner, his heirs and assigns, whosoever such rightful owner may be:

Saving of rights and remedies of

Provided always that the said rightful owner, his heirs and assigns, shall not, by this Act or anything therein contained, be deprived of any rights or

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

remedies [1] * * * * * to which he or they would be entitled against the said holder, his heirs or assigns for the recovery of the said lands or any part thereof if this Act had not been passed ; rightful owner, his heirs and assigns.

and in the event of the rightful owner, his heirs or assigns recovering the said lands or any part thereof, from the said holder, his heirs or assigns, any declaration, guarantee or adjustment made by the Governor in Council under, or in accordance with, sections 1 and 2 * * *[2] and the rules annexed to the said section 2 with respect to the said lands while the same were in the possession of the said holder, shall accrue to the benefit of the said rightful owner, his heirs and assigns.

4. Lands held partially or wholly exempt from the payment of land-revenue, and already formally adjudicated to be so continuable hereditarily in perpetuity, may, at the option of the holder, be henceforth recognized, so far as the rights of Government are concerned, as the heritable and also the transferable property, not only of the actual descendants of the person to whose descendants inheritance may have been limited by the terms of the said adjudication, but also of all his legal successors by inheritance, including heirs by collateral successions and heirs by adoption, and their assigns ; Such lands, so far as rights of Government are concerned, to be recognized as heritable and transferable property of actual and legal successors by inheritance and heirs by adoption.

and thereafter the right of Government or its officers to question the title to possession, or to exemption from the payment of land-revenue, of any holder of the said land already so adjudicated to be heritable in perpetuity on the ground that he does not belong to the family to which title is restricted by the adjudication, is hereby abrogated ;

and, in any case of recognition as in this section aforesaid, lands already adjudicated to be heritable, and to which such recognition applies, are henceforth to be held subject to the payment to Government of an annual nazrána, calculated at the rate of one anna for each rupee of the assessment of the land, ascertainable as provided in the rules of section 2 * * *[2], which nazrána is to be in addition to the partial assessment (if any) ordered by the terms of the formal adjudication under which the land has already been declared to be continuable : Lands adjudicated to be heritable to be held subject to payment of additional nazrána.

Provided, however, that the assent of the holder of all lands adjudicated as aforesaid to the acceptance of such recognition and the payment of such nazrána as in this section as aforesaid shall be assumed, unless such holders Proviso.

[1] The words "either at law or in equity" were repealed by the Repealing Act, 1876 (12 of 1876).

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. III of this Code.

shall within three (3) [1] * months from the date on which this Act comes into operation decline to accept such recognition as aforesaid by a notice given in writing to the Collector of the district.

Provisions in respect of amount of nazrána when it exceeds ten rupees.

5. *Clause 1st.*—When the amount of the annual nazrána payable for any holding in accordance with section 2 or section 4 * * *[2] respectively exceeds the sum of ten rupees, it shall be at the option of the holder of the land on account of which the said nazrána is declared payable, if he be not merely a mortgagee, to elect within two *[1] months after service of a notice explaining the purport and effect of the rules contained in this section (section 5), which service shall be made in the same manner as is hereinafter provided for the service of the notice described in section 11 * * *[2] that

Occasional nazrána.

in lieu of the land being made subject to the payment of such annual nazrána, an occasional nazrána shall be payable at each change of possession thereof, or of any part thereof, by inheritance or transfer, the amount of which nazrána shall be—

(*a*) on every succession by inheritance, a nazrána equal to one year's assessment of the wholly or partially exempt lands which are the subject of such succession :

(*b*) on every transfer of lands wholly or partially exempt from the payment of land-revenue, a nazrána equal to two years' assessment of the land transferred.

The assessment shall be, in each case, ascertainable under the rules annexed to section 2 * * *[2] :

Proviso.

Provided that, in the event of more than one succession or transfer occurring within twelve months, such occasional nazrána [3] [on] succession or transfer shall not be leviable more than once :

Proviso.

Provided also that it shall be at the option of the holder of the land to pay such occasional nazrána in one sum or by annual instalments not exceeding one-fourth of the whole nazrána per annum.

Occasional nazrána from whom to be levied.

Clause 2nd.—When, at the election of the holder, lands wholly or partially exempt from the payment of land-revenue shall have been made liable to occasional nazrána leviable under this section (section 5), instead of to an annual nazrána of one anna in each rupee of the assessment as provided by

[1] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

[3] The word "on" was substituted for the word "or" by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 224.

sections 2 and 4 * * *[1], the occasional nazrána shall be levied from each person obtaining possession of the land to which it is subject, whether by inheritance or transfer;

and it shall be the duty of that person, within the period of one [2]* month after obtaining possession as aforesaid, to give notice in writing thereof to the Collector or other chief revenue-officer of the [3]* * * district in which the said lands are situate; and, in default of such notice, the person so obtaining possession shall forfeit, in addition to the nazrána leviable on the occasion, a sum equal to the amount thereof.

Person obtaining possession to give notice to Collector, etc

Clause 3rd.—It shall also be the duty of the holder of any land made subject under this section to the payment of occasional nazrána instead of to an annual nazrána of one anna in each rupee of the assessment, who shall transfer the same or any part thereof, to give to the Collector or chief revenue-officer of the * * *[3] district in which the lands so transferred are situate, notice in writing of such transfer, and of the nature and extent thereof, and of the person or persons to whom the same is made, within one [2] * month after such transfer has been made; and, in default of such notice, the person or persons so transferring as aforesaid shall forfeit a sum equal to the amount of the nazrána leviable on the occasion from the person to whom the transfer shall have been made.

Holder of land paying occasional nazrána to give notice to Collector, etc., of transfer.

6. *Clause 1st.*—When lands are held wholly or partially exempt from the payment of land-revenue, upon the title to which exemption there has not been any formal adjudication, the holders asserting a right to such exemption shall be at liberty, on the conditions hereinafter described, to claim a trial of, and adjudication upon, their title, according to Act XI of 1852,[4] so far as the same is not altered, modified or superseded by, or inconsistent with, the provisions of this Act.

Holders asserting right to exemption may claim trial of, and adjudication upon, their title according to Act XI of 1852.

Clause 2nd.—In the event of the title to such exemption being upon such inquiry demanded as last aforesaid duly established, the land shall not be heritable in any other manner, or to any further extent than the same may, on such inquiry as last aforesaid, be adjudged to be heritable; nor shall any

Effect of exemption being established.

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

[3] The words "Collectorate or" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

[4] Vol. I of this Code, p. 53.

adoption be recognised in any Civil Court [1] * * * * or by any officer of Government, as creative of, or continuing, a title to claim from Government any exemption from assessment or any other privilege on account of the said lands; and no nazráua shall be received on account of Government from the holders of such lands.

And whensoever the same lands or any part thereof, either by operation of law, or by devolution, assignment, gift, sale (whether such sale be judicial, public or private) devise, transfer-deed or other instrument, or otherwise howsoever, pass to any person, not an heir by actual descent from the person to whose heirs the lands shall be declared heritable, or in default of such declaration, from the person who may establish his title to exemption as last aforesaid, then the said lands, or such part thereof as may have so passed to any person other than the said actual descendants, shall forthwith become and be liable to payment of annual land-revenue at the full assessment.

Effect of exemption not being established.

Clause 3rd.—In the event, upon such enquiry as aforesaid, of there being a failure by the holders to establish title to exemption from payment of land-revenue, the lands to which he has failed to establish such title shall forthwith become and be liable to payment of annual revenue at the full assessment.

When holders demand trial and adjudication, security to be furnished.

7. *Clause 1st.*—When the holders of land, held wholly or partially exempt from the payment of land-revenue, demand a trial and adjudication of their title under the provisions of section 6 * *[2], they shall be required to furnish satisfactory security for the payment of the assessment of the land, in case of their failure to prove the title to exemption asserted by them; and, in default of their furnishing such satisfactory security, the full assessment of the land which is to be the subject of inquiry shall be levied pending the adjudication.

Refund of assessment with interest, if holder prove title.

Clause 2nd.—If the inquiry result in the establishment of the asserted title, the holder, or, in the event of his decease, his heir who succeeds to possession of the said land, shall be entitled to a refund of any assessment levied under the provisions of this section, pending such inquiry as aforesaid and to interest thereon at the rate of five per cent. per annum.

Full amount of land-revenue to be

Clause 3rd.—If the result of the inquiry be that the holder fail to prove his title, the full amount of land-revenue assessable on the lands from the date

[1] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

of the holder's demand for trial shall be levied from the said holder and his security, or either, any sums levied pending adjudication as aforesaid being taken in account of the same.

paid, if holder fail to prove title.

8. *Clause 1st.*—Lands held wholly or partially exempt from the payment of land-revenue on behalf of religious or charitable institutions shall, if already formally adjudicated to be permanently so continuable, be so continued wholly or partially exempt from such payment of land-revenue as aforesaid, according to the terms of the adjudication.

Lands held on behalf of religious or charitable institutions.

Clause 2nd.—Lands held on behalf of religious or charitable institutions, either wholly or partially exempt from the payment of land-revenue, shall, if not already formally adjudicated to be permanently so continuable, be declared to be so wholly or partially exempt from such payment of land-revenue as aforesaid; subject, however, to the payment of annual quit-rent equal to one-fourth of the assessment, which shall be ascertainable under the rules annexed to section 2. * * *[1]

Clause 3rd.—It is, however, hereby declared that lands held on behalf of religious or charitable institutions wholly or partially exempt from the payment of land-revenue, shall not be transferable from such institutions either by assignment, sale (whether such sale be judicial, public or private), gift, devise or otherwise howsoever, and no nazrána shall be leviable on account of such lands.

Clause 4th.—If the holders, managers or trustees of such lands shall refuse to accept the terms provided by clause 2 of this section, and shall demand a trial and adjudication of the title by which the land is held wholly or partially exempt from land-revenue, they shall be entitled to the same, on the conditions described in section 7 and subject to the liabilities provided in section 6. * *[1].

9. It shall be lawful for the Governor in Council to appoint officers to carry out the inquiries provided for in this Act in the districts in which Act XI of 1852[2] has the force of law, and to invest any officer so appointed with the authority conferred by the above Act on Inam Commissioners and Assistant Inám Commissioners.

Power to invest officers with authority of Inám Commissioners and their assistants.

10. Whensoever any person, or persons, holding lands wholly or partially exempt from the payment of land-revenue, upon the title to which exemption

Burden of proof in cases of enquiries

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 8 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] Vol. I of this Code, p. 53.

under section 6.

there has not been any formal adjudication, shall (whether such alleged title be founded on grant or prescription, or on any other ground whatsoever) demand an inquiry under section 6 * * [1] into such title, the burden of proof of such title shall, in every instance, lie and be cast exclusively upon the person or persons holding, or claiming to hold, such lands so wholly or partially exempt from the payment of land-revenue as aforesaid, notwithstanding any existing usage, law, Regulation, Act or Statute in anywise to the contrary ;

and it shall not be lawful for any Civil Court* * * * [2] to place the burden of proof upon Government, or upon the officer or officers representing Government, of a right to levy the ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid, and it shall in every instance be presumed, until the contrary is distinctly proved, that Government has the right to levy such ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid.

It is, however, hereby further provided that nothing in this section contained shall disentitle Government, or its duly authorized officers, to produce and give evidence in rebuttal or disproof of the alleged title to exemption aforesaid, if it seem to Government, or its duly authorized officers, desirable or necessary to produce and give such evidence.

Collector or other officer may serve notice on holder of lands, asking whether or not he demands inquiry under section 6.

11. *Clause 1st.*—It shall be lawful for the Collector of each [3]* * district, or for any other officer of Government duly authorized in that behalf, whensoever such Collector or such other officer shall have reason to believe that lands are held wholly or partially exempt from payment of land-revenue, and that there has not been any formal adjudication upon the title to such exemption, to serve, or to cause to be served, a notice in writing, upon the holder of such lands, calling upon him to state whether or not he demands an inquiry under section 6 * * * [1] into such alleged title to exemption as aforesaid, instead of accepting and abiding by the terms described in section 2. * * *[4]

Language

Clause 2nd.—The notice shall be in the prevailing language of the [3] * * *

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words " or Court of Law or Equity " were repealed by the Repealing Act, 1876 (12 of 1876).

[3] The words " Collectorate or " were repealed by the Pombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

[4] The words " of the same " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

district in which the lands are situate, and shall explain the nature of the alternatives offered on the part of Government. and form of notice.

Clause 3rd.—It shall be served upon the person holding, or registered in the Government land-registers as holding, the lands wholly or partially exempt from the land-revenue as aforesaid, if he be resident within the limits of the [1][district]. On whom to be served.

Clause 4th.—If such persons as last aforesaid be not resident within the [2] [district], the notice shall be served upon any person acting for the aforesaid in respect of the lands. Service on non-resident persons.

Clause 5th.—When more persons than one hold jointly lands wholly or partially exempt from land-revenue, service of notice upon any one of them shall in every case be sufficient. Service when several persons hold lands jointly.

Clause 6th.—If the holder be known to reside in another [2][district] of the Bombay Presidency, and if there be no person acting for him in the [2][district] in which the lands are situate, the notice shall be sent to the Collector of such other [2][district] and served or caused to be served by him. Service when holder known to reside in another district.

Clause 7th.—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any), and a copy of such notice shall be posted in the office of the chief native revenue-officer of the district, and in the chauri or most public place in the village where the lands are situate. When no person acts for holder and holder cannot be found.

Clause 8th.—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this section, the matter so in dispute shall be inquired into by the Collector of the district or other officer appointed for the purpose by the Governor in Council, and the decision of the Collector or such other officer as aforesaid shall be final, and not open to appeal or question in any Civil Court [3] * * * * or elsewhere. Inquiry when sufficiency of service of notice disputed.

Clause 9th.—If within two [4] * months after the service of such notice in manner aforesaid, the person holding the lands wholly or partially exempt from revenue as aforesaid, or his legally constituted agent, shall not give an answer in writing to such notice, stating clearly in such answer that he Holder making no answer for two months, deemed to have dis-

[1] The word "district" in clause 3rd of s. 11 was substituted for the word "Collectorate" by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 224.

[2] The word "District" in clauses 4th and 6th was substituted for the word "Collectorate" by the Bombay General Clauses Act, 1886 (Bombay Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[3] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

[4] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

pensed with inquiry.

demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands, if held as aforesaid by an individual or individuals, shall be dealt with under sections 1 and 2* *[1] and the rules annexed to said section 2, and, if held on behalf of religious or charitable institutions, shall be dealt with under clause 2 of section 8. * *[1]

If no holder or owner discovered, land to be fully assessed.

But, if no holder or owner can be discovered, the land shall be fully assessed to the public revenue, and shall continue to be so assessed unless some person shall, within the law of limitations, appear and prove his title to it.

Inquiry when sufficiency of answer to notice disputed.

Clause 10th.—In the event of any dispute arising as to the sufficiency of any such answer as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, the matter so in dispute shall be inquired into by the Collector or other officer appointed for the purpose by the Governor in Council, and the decision of the Collector or such other officer as aforesaid shall be final, and not open to appeal or question in any Civil Court * * *[2] or elsewhere.

After answer demanding inquiry, security to be taken.

Clause 11th.—Whensoever an answer in writing is given by any holder or his agent demanding an inquiry under section 6 or clause 4 of section 8 [1] * * the Collector or other officer to whom such answer has been given shall take the security required in such cases by section 7 * * *[1], or, in default of the same being furnished, shall take such steps as shall be necessary for levying the full assessment of the land as required by the said section, and shall refer the holder's claim to the officer appointed by Government for the trial of such matters, who shall, with reasonable regard to the public convenience, and to the convenience of all persons interested or to be engaged in conducting such inquiry, fix a time at which it shall be proceeded with.

Claim to be referred to officer.

Time to be fixed.

Claimant allowed benefit of evidence to be found in Government records in custody of such public officer.

Clause 12th.—Any claimant demanding an inquiry into his title shall be allowed the benefit or any evidence to be found in the records of the present or any former Government, in custody of such public officer as is authorized by the British Government to have charge or custody of the same, and such public officer shall be bound to search for and to produce the same on application made to him.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

12. [*Validation of prior notices, orders and settlements.*] *Rep. Act XVI of 1895.*

13. When any adjustment of a claim or claims to total or partial exemption from land-revenue has been made by the Governor in Council, or any duly authorized officer of Government, under the second, fifth or eighth sections [1] * * * * * * * * * *, any appeal from or against the proceedings, orders or acts of the officers of Government engaged in making any such adjustment shall be made to the Governor in Council, or to such officer or officers as may be appointed by the Governor in Council to take cognizance of such appeals, and shall not be recognizable by any other authority. Appeal from proceedings of officers making adjustment to be made to Governor in Council.

14. [*Bar of suits against Government officers.*] *Rep. Act X of 1876.*

15. All quit-rents, nazránas, succession duties, transfer duties and forfeitures, payable under this Act, shall be levied in the manner in which ordinary land-revenue is now recoverable, and the claim of Government to such quit-rents and nazránas, and to all forfeitures provided by this Act, shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution or attachment or otherwise howsoever, against the lands, or the holder or holders thereof. Quit-rents, nazránas, etc., how levied.

16. (*A*) [*Number and gender.*] *Rep. Bom. Act III of 1886.*

(*B*) the word "lands" shall, for the purposes of this Act, be understood to include villages, portions of villages, shares of the revenues thereof, and landed estate of every description: Interpretation-clause.

(*C*) "political tenure" is tenure created from, or dependent upon, political considerations, the existence of which shall be determined by the Government:

(*D*) the phrase "lands held for service" shall include lands specially granted, or held or continued, nominally for the performance of service, whether that service be actually performed or not, and lands granted, held or continued, partly in consideration of past service, and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only; and it is to be understood that Government shall be competent to determine any question that may arise in giving effect to this Act, as to whether or not any lands are lands held for service:

[1] The words "of this Act" which immediately followed the word "sections" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

And the succeeding words namely, "it shall not be competent for any Civil Court or Court of Law or Equity to question such adjustment; so far as the right of Government to levy from the holder or holders of the lands for the time being, the nazrána and the annual quit-rents mentioned in the said second, fifth, and eighth sections, or any of them, is concerned" were repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876), Vol. I of this Code, p. 115.

(*E*) formal adjudication shall be held to mean final adjudication under any Regulation of the Bombay Government, or under [1]Act XI of 1852, in cases to which the same were applicable, and in other cases final adjudication after inquiry by the British Government or some authorized officer thereof:

(*F*) for the purposes of this Act, the word "holder" shall be taken to signify the person who, by himself, his tenants, sub-tenants or agents, is in possession of the land held wholly or partially exempt from land-revenue assessment, and shall include a mortgagee in possession as aforesaid:

(*G*) the word "transfer" shall, for the purposes of this Act, be taken to mean the permanent alienation of land by assignment, gift, sale, deed or other instrument, or otherwise howsoever, and also mortgage of the same under which possession shall have passed or is to pass to the mortgagee.

BOMBAY ACT No. III OF 1863[2].

[*15th April, 1863.*]

An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Satára, certain villages and lapsed States in the Collectorate of Sholápur and in the Southern Marátha Country, [3] * * * * * * and for excluding the village of Muchandi, pargana Játh, from the operation of the Regulations and Acts of the Presidency of Bombay.

Preamble. WHEREAS it is expedient for the better administration of justice in the territory of Satára that the Collectorate should be brought under the Regulations and Acts of the Presidency of Bombay;

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[1] Vol. I of this Code, p. 53.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1862, Supplement, p. 543; for Report of the Select Committee, *see ibid*, p. 608; and for Proceedings in Council, *see ibid*, pp. 713 and 799.

So much of Bom. Act 3 of 1863 as related to the following villages, namely :—
the Sánglíkar's village of Dorli in Karyát, Sávarda;
the Sánglíkar's village of Borgaon in Karyát Digráj;
the Mirajkar's village of Dupat Borgaon in Karyát Dudgaon;
the vilage of Sangam Máhuli, Taraf Vandan, belonging to the Pant Pratinidhi;
the village of Kinhi, Sammat Koreygaon, belonging to the Pant Pratinidhi,
was repealed by Act 4 of 1868.

[3] The words "certain lands ceded to the Government of Bombay for Railway purposes, and the District of North Canara, with the exception of the talooka Cundapoor" were repealed by the Repealing and Amending Act, 1895 (16 of 1895).